



Governor
Janet Napolitano

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

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BOARD MEMBERS:

David M. Steinway, D.O., President
Stanley J. Grossman, Vice President
Andrew Becke
Arlene England, D.O.
MaryAnn Picardo, D.O.
Scott Steingard, D.O.
F. P. Wedel, D.O.

Executive Director
Jack Confer

MINUTES OF THE PUBLIC BOARD MEETING OF THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

Saturday, March 3, 2007

BOARD MEMBERS PRESENT: President David Steinway, D.O., Vice-President Stanley Grossman, Andrew Becke, Arlene England, D.O., Mary Ann Picardo, D.O., Scott Steingard, D.O. and F. P. Wedel, D.O.

STAFF / OTHERS PRESENT: Jack Confer, Executive Director
Barbara Meyers, Deputy Director
Barbara Prah, D.O., Medical Consultant
Beverly Alfson, Business/Licensing Manager
John O'Hair-Schattenberg, Investigator
Kathy Fowkes, Administrative Secretary
Blair C. Driggs, Assistant Attorney General

1. CALL TO ORDER

The Board President, Dr. David Steinway, called the meeting to order at 8:02 a.m.

2. ROLL CALL AND REVIEW OF AGENDA

The Executive Director took the roll. All the Board Members listed above were present, establishing quorum for the meeting.

3. PRESIDENT'S REPORT AND CALL TO THE PUBLIC

- A. Welcome to the 3rd year Medical Students – Arizona College of Osteopathic Medicine at Midwestern University and Kirksville College of Osteopathic Medicine at A.T. Stills University
- B. The Board's custom is to ask members of the public to speak when the agenda item of interest to the person is called. If you want to address the Board on an issue not on the agenda, you will be asked to speak prior to the adjournment. All people wishing to speak should fill out a speaker form and give it to a staff member.

4. REVIEW, CONSIDERATION AND APPROVAL OF MINUTES

- A. January 17, 2007 Open Session Minutes
- B. January 20, 2007 Open Session Minutes
- C. January 20, 2007 Executive Session Minutes

D. January 25, 2007 Open Session Minutes

MOTION: Mr. Becke moved to ACCEPT the minutes as presented. Dr. Wedel seconded.

VOTE: The motion passed unanimously.

5. **REVIEW, CONSIDERATION AND POSSIBLE ACTION ON REQUESTS AND MOTIONS TO REVIEW A DECISION PURSUANT TO A.A.C. R4-22-106.**

MOTION: Mr. Becke moved for an Executive Session to obtain legal advice. Dr. Wedel seconded.

The Board went into Executive Session at 8:09 a.m.

The Board returned to Open Session at 8:20 a.m.

A. Patrick Marsh, D.O. Case No. 3764 License No. 2502

Dr. Marsh was present. Peter Akmajian was present as his legal representative. Mr. Akmajian made an argument for reconsideration of the order that Dr. Marsh undergo competency testing.

MOTION: Dr. Wedel moved that the Motion for Reconsideration be DENIED and that Dr. Marsh be given an extension of 30 calendar days to comply with the Interim Order. Dr. Wedel amended his motion to include the requirement that Dr. Marsh report to the Board weekly on his ability to complete the competency testing. Dr. Wedel also wanted an investigation opened for failure to comply with a Board order. Dr. England seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

VOTE: The motion passed 7-0.

B. Budi Bahureksa, D.O. Case No. 3436 License No. 3901

Dr. Bahureksa was present. Peter Akmajian was present as his legal representative. Mr. Akmajian made the argument for a Rehearing and Stay of the Order. The Findings of Fact stated in the Order were discussed. Assistant Attorney Driggs advised the Board regarding the inclusion of facts in the disciplinary order.

MOTION: Mr. Becke moved to DENY the Request for Rehearing and Stay. Mr. Becke included in his motion that no amendments be made to the Findings of Fact as stated in the Order. Dr. Wedel seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

VOTE: The motion passed 7-0.

6. REVIEW, DISCUSSION AND ACTION ON INVESTIGATIVE HEARINGS PURSUANT TO A.R.S. § 32-1855 (E) ONLY.

A. E. Leon Thompson, D.O. Case No. 3547 License No. 3035

Dr. Thompson was present and sworn in. The daughter of the patient was present and sworn in. Suzanna Goldman, the complainant's attorney, was also present and sworn in. The Medical Consultant summarized the case. The case was discussed and Dr. Thompson answered all questions posed by the Board. Ms. Goldman and the patient's daughter also discussed the case with the Board.

MOTION: Dr. Steingard moved for DISMISSAL. Dr. Wedel seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

VOTE: The motion passed 7-0.

B. Neil Superfon, D.O. Case No. 3567 License No. 0754

Dr. Superfon was present and sworn in. Kraig Marton was present as his legal representative. William Ko, M.D., and Firas Hougeir, M.D. were present on Dr. Superfon's behalf; both were sworn in. The complainant was present and sworn in. The Medical Consultant summarized the case. Dr. Superfon answered all questions posed by the Board. Dr. Ko and Dr. Hougeir provided information and answered questions posed by the Board. The complainant summarized her complaint, presented information, and answered questions posed by the Board.

MOTION: Dr. Wedel moved for DISMISSAL. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

VOTE: The motion passed 7-0.

C. Steven Chintis, D.O. Case No. 3654 License No. 2583

Dr. Chintis was present and sworn in. The Medical Consultant summarized the case. The case was discussed and Dr. Chintis answered all questions posed by the Board.

MOTION: Dr. Steingard moved for DISMISSAL. Dr. England seconded

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	6	X	X		X	X	X	X
NO	1			X				
ABSTAIN	0							
ABSENT	0							

VOTE: The motion passed 6-1.

D. POSTPONED

E. Patrick Heenan, D.O. Case No. 3659 License No. 3051

Dr. Heenan was present and sworn in. The Medical Consultant summarized the case. Dr. Heenan answered all questions posed by the Board.

MOTION: Dr. Steingard moved for DISMISSAL. Dr. Wedel seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	4			X	X		X	X
NO	3	X	X			X		
ABSTAIN	0							
ABSENT	0							

VOTE: The motion passed 4-3.

Dr. Welch was present and sworn in. Scott Hergenroether was present as his legal representative. The Medical Consultant summarized the case. Dr. Welch answered questions posed by the Board.

FIRST MOTION: Dr. England moved for DISMISSAL. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	3			X	X			X
NO	4	X	X			X	X	
ABSTAIN	0							
ABSENT	0							

VOTE: The motion failed 3-4.

SECOND MOTION: Mr. Becke moved for a Letter of Concern for inadequate follow up. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	6	X	X	X		X	X	X
NO	1				X			
ABSTAIN	0							
ABSENT	0							

VOTE: The motion passed 6-1.

Dr. Borsand was present and sworn in. Paul Giancola was present as his legal representative. The Medical Consultant summarized the case. The case was discussed and Dr. Borsand answered all questions posed by the Board.

MOTION: Dr. England moved for a LETTER OF CONCERN for failure to follow up on an abnormal mammogram and concerns about surgical technique. Mr. Becke seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	5	X	X		X	X		X
NO	2			X			X	

ABSTAIN	0							
ABSENT	0							

VOTE: The motion passed 5-2.

H. Keith May, D.O. Case No. 3662M License No. 1784

Dr. May did not appear.

FIRST MOTION: Mr. Grossman moved that the case be returned to a Case Review. Dr. Wedel seconded.

VOTE: The motion passed 7-0.

SECOND MOTION: Dr. Wedel moved for a LETTER OF CONCERN and 20 hours of continuing medical education in the area of emergency room treatment and work up of abdominal trauma. Dr. Steingard seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

VOTE: The motion passed 7-0.

I. POSTPONED

J. Kenneth Young, D.O. Case No. 3634 License No. 2930

This case was continued.

K. POSTPONED

L. Richard Settles, D.O. Case No. 3729 License No. 2686

Dr. Settles was present and sworn in. Melody Emmert was present as his legal representative. The Board's Investigator summarized the case. Dr. Settles responded to the issues raised in the summary of the case and answered all questions posed by the Board.

MOTION: Mr. Becke moved for DISMISSAL. Dr. Wedel seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	4	X		X		X	X	
NO	3		X		X			X
ABSTAIN	0							
ABSENT	0							

VOTE: The motion passed 4-3.

- M. POSTPONED
- N. POSTPONED
- O. POSTPONED
- P. POSTPONED
- Q. POSTPONED

7. REVIEW, CONSIDERATION, AND ACTION ON APPLICATIONS FOR LICENSURE PURSUANT TO A.R.S. § 32-1822; PERMITS PURSUANT TO A.R.S. § 32-1829; AND RENEWALS OF LICENSES PURSUANT TO A.R.S. § 32-1825 (C-D) AND A.A.C. R4-22-109.

A. Michael Stumpf, D.O.

Dr. Stumpf was present and sworn in. The Executive Director summarized the concerns that required Dr. Stumpf to appear before the Board. Dr. Stumpf answered all questions posed by the Board.

MOTION: Mr. Becke moved to GRANT a license. Dr. Steingard seconded.

VOTE: The motion passed unanimously

B. Paul Frutos, D.O.

Dr. Frutos was present and sworn in. The Executive Director summarized the concerns that required Dr. Frutos to appear before the Board. Dr. Frutos answered all questions posed by the Board.

MOTION: Dr. Wedel moved to GRANT a license with a one year PROBATION. Dr. England seconded.

VOTE: The motion passed unanimously.

8. REVIEW, DISCUSSION, AND ACTION ON CASE REVIEWS OF ALLEGATIONS OF UNPROFESSIONAL CONDUCT A.R.S. § 32-1855 (C through F).

Some of the following agenda items were heard out of order.

A. Robert Casey, D.O. Case No. 3707 License No. 1955

The complainant was present and addressed the Board.

MOTION: Dr. Steinway moved for an INVESTIGATIVE HEARING. Dr. Steingard seconded.

VOTE: The motion passed unanimously.

B. Craig Rundbaken, D.O. Case No. 3652M License No. 3219

MOTION: Mr. Grossman moved for an INVESTIGATIVE HEARING. Mr. Becke seconded.

VOTE: The motion passed unanimously.

C. John Raniolo, D.O. Case No. 3658AM License No. 1968

Dr. Raniolo was present. The medical consultant summarized the case.

MOTION: Dr. Steinway moved for an INVESTIGATIVE HEARING. Mr. Grossman seconded.

VOTE: The motion passed unanimously.

D. Mark Greenfield, D.O. Case No. 3658 BM License No. 2827

Dr. Greenfield was present. Richard Kent was present as his legal representative. Dr. Stiengard recused himself. Dr. Greenfield answered all questions posed by the Board.

MOTION: Dr. England moved for DISMISSAL. Dr. Wedel seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	5	X		X	X	X	X	
NO	0							
ABSTAIN	1							X
ABSENT	1		X					

VOTE: The motion passed 5-0.

E. Gary Giordano, D.O. Case No. 3699A License No. 3806

Dr. Giordano was present. A member of the patient's family was present. Dr. Steinway summarized the case.

MOTION: Dr. Steingard moved for an INVESTIGATIVE HEARING. Mr. Becke seconded.

VOTE: The motion passed unanimously.

F. Deborah Gondek, D.O. Case No. 3699B License No. 3807

MOTION: Dr. England moved for DISMISSAL. Dr. Steinway seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

VOTE: The motion passed 7-0.

G. Adrienne Pettit, D.O. Case No. 3699C License No. 3860

Dr. Pettit was present.

MOTION: Dr. England moved for DISMISSAL. Dr. Steinway seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

VOTE: The motion passed 7-0.

H. Vanessa Brennan Kwok, D.O. Case No. 3699D License No. 3972

Dr. Brennan Kwok was present and addressed the Board.

MOTION: Dr. Steingard moved for an INVESTIGATIVE HEARING. Dr. Wedel seconded.

VOTE: The motion passed unanimously.

I. Joseph Sherman, D.O. Case No. 3775 License No. 1916

Dr. Sherman was present. The medical consultant summarized the case.

MOTION: Mr. Becke moved for an INVESTIGATIVE HEARING. Mr. Grossman seconded.

VOTE: The motion passed unanimously.

J. Lloyd Arnold, D.O. Case No. 3817 License No. 0641

MOTION: Dr. England moved for an INVESTIGATIVE HEARING. Dr. Steingard seconded.

VOTE: The motion passed unanimously.

K. Chad Carman, D.O. Case No. 3807 License No. 4249

The complainant was present. The medical consultant summarized the case.

MOTION: Mr. Becke moved for DISMISSAL. Mr. Becke amended his motion to include 20 hours of continuing medical education in the interpretation of cranial CTs. Dr. Steingard seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	6	X	X		X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	1			X				

VOTE: The motion passed 6-0.

L. Richard Rawlings, D.O. Case No. 3641 License No. 4100

MOTION: Mr. Becke moved for DISMISSAL. Dr. Picardo seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	6	X	X		X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0			X				

VOTE: The motion passed 6-0.

M. Richard Carey, D.O. Case No. 3803 License No. 4160

The complainant was present. The Medical Consultant summarized the case. The complainant discussed the case with the Board.

MOTION: Dr. England moved for DISMISSAL. Dr. Picardo seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	6	X	X		X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	1			X				

VOTE: The motion passed 6-0.

N. James Reed, D.O. Case No. 3638 License No. 2845

Dr. Reed was present. The Board's Investigator summarized the case. Dr. Reed answered all questions posed by the Board.

MOTION: Dr. Steinway moved for DISMISSAL. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	6	X	X		X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	1			X				

VOTE: The motion passed 6-0.

O. Michael Barry, D.O. Case No. 3596M License No. 2782

Dr. Barry was present. Jay Fradkin was present as his legal representative. The Medical Consultant summarized the case.

MOTION: Mr. Becke moved for an INVESTIGATIVE HEARING. Dr. Steingard seconded.

VOTE: The motion passed 5-1, with Dr. England voting against the motion. Dr. Wedel was absent.

P. Kathleen Gerace, D.O. Case No. 3633 License No. 3082

MOTION: Dr. Steingard moved for DISMISSAL. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard

YES	6	X	X		X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	1			X				

VOTE: The motion passed 6-0.

Q. Carlos Moe, D.O. Case No. 3684 License No. 3642

MOTION: Dr. Steingard moved for an INVESTIGATIVE HEARING. Mr. Grossman seconded.

VOTE: The motion passed unanimously.

R Charles Lindsay, D.O. Case No. 3667 License No. 0793

MOTION: Dr. Steingard moved for an INVESTIGATIVE HEARING. Dr. England seconded.

VOTE: The motion passed unanimously.

S. Victor Kissil, D.O. Case No. 3725 License No. 3735

Dr. Kissil was present. The case was discussed and Dr. Kissil answered all questions posed by the Board.

MOTION: Dr. Steingard moved for DISMISSAL. Mr. Becke seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	6	X	X		X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	1			X				

VOTE: The motion passed 6-0.

T. Harold Reeder, D.O. Case No. 3618 License No. 2001

Dr. Reeder was present. The Board's Investigator summarized the case.

MOTION: Dr. Wedel moved for DISMISSAL. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

VOTE: The motion passed 7-0.

U. Timothy Pfeiffer, D.O. Case No. 3664 License No. 3394

MOTION: Mr. Grossman moved for an INVESTIGATIVE HEARING. Dr. Picardo seconded.

VOTE: The motion passed unanimously.

V. Barry Gardenhire, D.O. Case No. 3694 License No. 3919

MOTION: Dr. Steingard moved for an INVESTIGATIVE HEARING. Mr. Becke seconded.

VOTE: The motion passed unanimously.

9. **REVIEW, CONSIDERATION AND ACTION ON COMPLIANCE WITH TERMS OF BOARD ORDERS AND REQUESTS TO MODIFY OR TERMINATE ORDERS, PURSUANT TO A.R.S. 32-1855 (E) AND (I)**

A. Jack Bouchier, D.O.
This case was continued.

B. Joseph Collins, D.O.

The Executive Director informed the Board that Dr. Collins was requesting that his Probation be terminated. The Executive Director stated that Dr. Collins had fulfilled the terms of his Probation.

MOTION: Mr. Becke moved to TERMINATE the Probation Order. Dr. Picardo seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	6	X	X		X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	1			X				

VOTE: The motion passed 6-0.

10. REVIEW, CONSIDERATION AND POSSIBLE VOTE ON CONSENT AGREEMENT WITH JEROME PATRICH, CASE #3850

The Executive Director summarized the case and proposed a Consent Agreement.

MOTION: Mr. Becke moved to ACCEPT the Consent Agreement as presented. Dr. Wedel seconded.

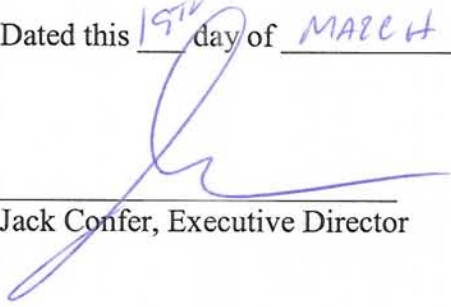
	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

VOTE: The motion passed 7-0.

ADJOURNMENT

The meeting adjourned at 4:27 p.m.

Dated this 15th day of MARCH, 2007.



Jack Confer, Executive Director